

**Better Oversight of Stub Sales and Strengthening Well Informed and
Fair Transactions for Audiences of Concert Ticketing Act
(BOSS and SWIFT ACT)
Congressman Bill Pascrell, Jr.**

Section 1 – Short Title

Specifies the title of the bill as the “Better Oversight of Stub Sales and Strengthening Well Informed and Fair Transactions for Audiences of Concert Ticketing Act of 2023” or the “BOSS and SWIFT ACT of 2023”.

Section 2 – Definitions

This section defines the various terms used in this legislation.

Section 3 – Transparency of Marketing, Distribution and Pricing by Ticket Sellers

This section requires a primary ticket seller, secondary ticket seller, and secondary ticket sales marketplace to do the following:

1. From the first time a ticket price is displayed, and any time thereafter clearly disclose the total cost of the ticket.
2. Before purchase, provide the purchaser an option to view the base price of the ticket with any ancillary charge and tax itemized.
3. Display the total cost of the ticket in any price quote and advertisement that includes the ticket price.
4. Not change the total cost of the ticket during the purchase process unless there is clear notice that the total cost of the ticket has changed.
5. If a ticket is not delivered due to a cause beyond reasonable control of the seller, provide the purchaser a choice of a full refund or a replacement ticket in a comparable or upgraded location.
6. Clearly disclose whether any ticket is being offered as a primary sale or secondary sale.
7. Before the completion of the sale of a ticket, clearly disclose the guarantee or refund policy, including whether any ancillary charge and tax will be refunded to the purchaser.
8. Prohibit the manipulation of a user interface to impair user autonomy, decision making, or consumer choice.
9. Not knowingly sell a ticket for the same seat to more than one person.
10. Report to the Federal Trade Commission (FTC) activity in violation of the BOTS Act of 2016 (15 U.S.C. 45c; Public Law 114–274).

Section 4 – Primary Ticket Seller Requirements

This section requires a primary ticket seller to do the following:

1. Clearly disclose the total number and total cost of tickets that will be offered for sale to the general public by the seller not less than 7 days before the date on which tickets are made available for primary sale.
2. Not restrict or hinder the ability of a purchaser who has purchased a ticket from a primary ticket seller from:

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- a. Reselling any such ticket independently of the primary ticket seller or any secondary ticket sales marketplace owned or affiliated with the primary ticket seller; and
 - b. Reselling such ticket on the secondary ticket sales marketplace the purchaser chooses.
3. Not require a minimum or maximum price for the resale of any ticket purchased from a primary ticket seller.
 4. Not sanction or deny a purchaser admission to an event on the basis that the purchaser resold a ticket, gifted a ticket, or purchased a resold ticket.

Section 4 – Secondary Ticket Sellers and Secondary Ticket Sales Marketplace

Requirements

This section requires a secondary ticket seller or secondary ticket sales marketplace to do the following:

1. If a secondary ticket seller does not control the ticket when the ticket is offered for sale, provide a clear statement that the secondary ticket seller does not control the ticket and cannot guarantee that the seller will be able to obtain the ticket and maintain a mechanism on the marketplace platform to clearly display such a statement.
2. Provide a clear explanation of how to obtain a refund of the total ticket cost and any tax if the purchaser receives a ticket that does not match the secondary ticket seller's description.
3. Disclose clearly to a purchaser when the secondary ticket sales marketplace is also the primary ticket seller for a venue, team, or artist associated with the event.
4. Clearly disclose upon offering a ticket for resale:
 - a. The delivery method and the delivery timing; and
 - b. The precise section and row of the seat or space of the ticket or descriptive information about the location of the seat or space if the precise information is not available.
5. Provide a clear statement that the marketplace is engaged in the secondary sale of tickets and is not affiliated or endorsed by a venue, team, or artist unless the marketplace has the express written consent before a visitor creates an account with the secondary ticket sales marketplace or selects a ticket; and is prohibited from using "white label" websites that may use practices to deceive consumers.
6. Not permit the unauthorized secondary sale of a ticket by an employee or third party that is directly involved in hosting, promoting, performing in, or selling tickets if such secondary sale is for a higher total cost than the primary sale of the ticket.

Section 5 – Enforcement

This section specifies that the FTC may enforce violations of these rules as unfair or deceptive acts prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

State Attorneys General may bring a civil action on behalf of its residents if they have reason to believe that their residents will be adversely affected by a violation of the prescribed rules.

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The statute provides for an explicit private right of action for an injunction or damages and may recover from such person damages for such injury plus \$1,000 for each violation.

Section 6 – Nonpreemption

This section clarifies that states may make laws providing protection to purchases as provided in this act.

Section 7 – FTC Study of Ticket Market

This section commissions a study of the ticket market to determine the effect of the Commission's enforcement actions of the BOTS Act of 2016 (15 U.S.C. 45c; Public Law 114–274) and to provide any recommendations on improving enforcement of the BOTS Act of 2016.